

Paper 33

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FAXED

MICHAEL BARRY GRAVESTOCK
Junior Party
(Patent 5,981,528)

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

v.

TONI-JO POEL, DOUGLAS K. HUTCHINSON,
RICHARD CHARLES THOMAS, STEVEN J. BRICKNER,
and
MICHAEL R. BARBACHYN
Senior Party
(Application 09/138,209),

Patent Interference No. 105,273

JUDGMENT – REQUEST FOR ADVERSE – Bd.R. 127(b)

Before Schafer, Tierney, and Moore, *Administrative Patent Judges*.

Moore, *Administrative Patent Judge*.

Gravestock has filed Paper 31, a Request for Adverse Judgment as to count 2, the only count of this interference.

Upon consideration of the Request for Adverse Judgment, it is hereby:

ORDERED that judgment on priority as to Count 2 (Paper 21, pages 2 and 3) is awarded against junior party Michael Barry Gravestock.

FURTHER ORDERED that junior party Michael Barry Gravestock is not entitled to a patent containing claims 1-6 and 8 (corresponding to Count 2) of patent 5,981,528.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/138,209 and patent 5,981,528.

FURTHER ORDERED that as the parties have stated that there is a settlement agreement, the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666].

<u>/Richard E. Schafer/</u>)
RICHARD E. SCHAFER)
Administrative Patent Judge)
)
<u>/Michael P. Tierney/</u>) BOARD OF PATENT
MICHAEL P. TIERNEY) APPEALS AND
Administrative Patent Judge) INTERFERENCES
)
<u>/James T. Moore/</u>)
JAMES T. MOORE)
Administrative Patent Judge)

October 11, 2005
Alexandria, VA

cc (via fax):

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